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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/773,085	01/31/2001	Paul Frazier		6057

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EXAMINER
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BAYAT, BRADLEY B

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 05/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/773,085

Applicant(s)

FRAZIER, PAUL

Examiner

Bradley B. Bayat

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Status of Claims***

Applicant has amended claims 1, 9 and 10 and renumbered duplicate numbered claim 22 as 22 and 23 in the amendment filed on 31 January 2005. Thus, claims 1-23 remain pending and are presented for examination.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-23 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mannings, US 6,324,266 B1 in view of Aarnio, US 6,873,688 B1.**

1. Mannings discloses a computerized data authorizing system for gathering data from a plurality of data sources, a method of compiling data comprising: inviting telephone responses as one data source to a data-gathering campaign (figure 1, reference 1); a telephone response path (figure 1, PBX/PSTN path); preventing duplicate telephone responses from reaching the single data bank (column 1, line 58-column 2, line 29; column 5, lines 1-13 and 29-46; column 6, lines

38-43; figures 1-3 and associated text). Although Mannings discloses allowing for examination questions and answers “on-line”(column 3, lines 44-49), it does not explicitly disclose inviting Internet responses as part of a data collection campaign.

Aarnio, however, teaches a data collection and gathering method inviting Internet responses as a different data source to a data-gathering campaign (figure 1, computer terminal 1); automatically routing the telephone responses and the Internet responses to a single data bank which is common to both (figure 1, central device/server) and an Internet response path (figure 1, computer terminal transmission connection 3), preventing duplicate Internet responses from reaching the single data bank (column 6, lines 30-46, IP number), wherein both internet and telephone responses are captured into a single data bank to analyze a campaign (column 6, lines 30-63; see also column 3, line 24-column 4, line 7, column 5, lines 34-57).

It would have been obvious for one of ordinary skill in the art at the time of the invention to modify Mannings’ data gathering system to include both Internet and wireless telephone responses as part of a data gathering campaign since utilizing WAP technology enables IP number identification among other advantages, thus ensuring data integrity.

As per the following claims, Mannings further discloses:

2. The method defined in claim 1 further including a step of further processing non-duplicate responses (Mannings: column 6, lines 15-56; Aarnio: column 6, lines 30-46).
3. The method defined in claim 2 wherein the step of further analyzing responses includes a step

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of selecting a response for special attention (Mannings: figure 3 and associated text; Aarnio: column 3, lines 9-17, column 5, line 58-column 6, line 5).

4. The method defined in claim 2 further including a step of merging telephone responses and Internet responses received in the data bank into a single merged data report (Mannings: figure 1 and associated text; Aarnio: figure 1, column 6, lines 6-21).

5. The method defined in claim 3 wherein the step of further analyzing responses includes a step of identifying a respondent associated with the selected response (Mannings: column 6, lines 15-43; Aarnio: column 6, lines 33-35).

6. The method defined in claim 5 wherein the step of further analyzing responses includes a step of notifying the identified respondent (Mannings: column 6, lines 63-67; Aarnio: column 6, lines 40-43).

7. The method defined in claim 6 wherein the step of further analyzing responses includes a step of notifying a non-selected respondent that their response has not been selected for special attention (Mannings: column 7, lines 5-10; Aarnio: column 6, lines 40-43).

8. The method defined in claim 7 wherein the telephone response is via a toll-free number (Mannings: column 1, lines 40-58; column 3, lines 20-25; column 6, lines 22-23).

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9. The method defined in claim 1 wherein the step of using the single data bank to analyze a campaign includes steps of analyzing respondent profiles and information including name and address (Mannings: figure 3 and associated text; column 4, lines 15-19; Aarnio: column 3, line 60-column 4, line 7).

10. The method defined in claim 6 wherein the step of further analyzing responses includes a step of notifying the respondent via the path used by the respondent to accept the invitation (Mannings: column 6, lines 44-56; Aarnio: column 4, lines 30-38, column 5, line 58-column 6, line 5).

11. The method defined in claim 9 wherein the step of using the single data bank includes capturing cookie information (Mannings: column 5, lines 47-56; Aarnio: column 1, line 65-column 2, line 3; column 5, lines 18-33).

12. The method defined in claim 1 further including a step of identifying the number of Internet responses (Mannings: column 5, lines 57-64; figure 3 and associated text; Aarnio: column 3, line 60-column 4, line 7).

13. The method defined in claim 1 wherein the step of preventing duplicate responses includes notifying a respondent associated with a duplicate entry of the prevention step being taken (Mannings: column 6, line 54-column 7, line 10; Aarnio: column 5, lines 50-57, column 6, lines 30-46).

14. The method defined in claim 1 wherein the step of further analyzing responses includes a step of capturing HTML and sending HTML to a browser (Mannings: column 5, lines 29-46; column 7, lines 11-31; Aarnio: column 3, lines 41-67, column 6, lines 22-29).

15. The method defined in claim 13 further including a step of notifying a respondent associated with a duplicate response when a response from that respondent will be accepted (Mannings: column 6, line 63-column 7, line 10; Aarnio: column 5, lines 50-57).

16. The method defined in claim 2 wherein the step of further analyzing responses includes a step of obtaining ANI for each response received via a telephone channel (Mannings: column 6, lines 15-43; Aarnio: column 6, lines 30-35).

17. The method defined in claim 7 wherein the step of further analyzing responses includes a step of notifying a non-selected respondent when another response will be accepted from that non-selected respondent (Mannings: column 7, line 49-column 8, line 18; Aarnio: column 5, lines 50-column 6, line 5).

18. The method defined in claim 1 wherein the step of routing telephone responses includes interactive voice response steps (Mannings: column 3, lines 20-32).

19. The method defined in claim 1 wherein the step of routing telephone responses includes

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automatic number identification steps (Mannings: column 3, lines 44-56).

20. The method defined in claim 17 wherein the step of routing Internet responses includes automatic number identification steps (Mannings: column 5, lines 14-67; Aarnio: column 5, line 34-column 6, line 35).

21. The method defined in claim 1 further including a step of entering a UPC associated with a response into the database (Mannings: column 4, lines 24-26).

22. The method defined in claim 1 further including entering a UPC associated with a response into a single database (Mannings: column 4, lines 20-37).

23. The method defined in claim 22, further including a step of checking the validity of each UPC entered into the single data bank as it is entered and notifying a respondent if the UPC is not valid (Mannings: column 1, line 59-column 2, line 65; column 4, lines 24-26).

Examiner has pointed out particular references contained in the prior arts of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the response, to consider fully the entire references as potentially



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teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- US 6,223,291 B1 to Puhl et al.
- US 4,689,619 to O'Brien, Jr.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

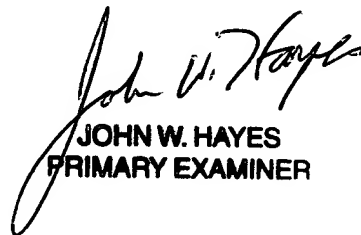
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradley B. Bayat whose telephone number is 571-272-6704. The examiner can normally be reached on Tuesday-Friday 8am-6:30pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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**JOHN W. HAYES**  
**PRIMARY EXAMINER**